

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER

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DATE

August 24, 2011

MOTOR CARRIER MATTER

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DOCKET NO.

2011-158-E

UTILITIES MATTER

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ORDER NO.

2011-611

**THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.**

**SUBJECT:**

DOCKET NO. 2011-158-E - Application Regarding the Acquisition of Progress Energy, Incorporated by Duke Energy Corporation and Merger of Progress Energy Carolinas, Incorporated and Duke Energy Carolinas, LLC - Discuss this Matter with the Commission.

**COMMISSION ACTION:**

In their Joint Application in this docket, Duke Energy Corporation (Duke) and Progress Energy, Inc. (Progress) assert that:

1. "[t]he Commission should review the proposed acquisition of Progress by Duke, and the merger of DEC [Duke Energy Carolinas, LLC] and PEC [Progress Energy Carolinas, Inc.]"; and,
2. while S.C. Code Ann. § 58-27-1300 "does not expressly grant the Commission jurisdiction over Duke acquiring Progress[,] given that [a.] the merger of DEC and PEC cannot occur absent the acquisition of Progress by Duke, and [b.] the primary impact of the acquisition of Progress by Duke is upon DEC and PEC, the Applicants, on behalf of PEC and DEC, will treat the two transactions as one for the purposes of this Application."

With those assertions in mind, I move that we find authority under Section 58-27-1300 to set a hearing date beginning on Wednesday, October 26, 2011 at 9:30 AM, and continuing through Saturday, October 29 and Monday, October 31, if necessary. I also move that we instruct Commission Staff to move hearings already scheduled for any of those dates to alternate dates. Further, I move that we set prefiling dates as follows: The Direct Testimony and Exhibits of Duke and Progress are to be prefiled with the Commission and served on the parties on or before September 14, 2011. The Direct Testimony and Exhibits of all other parties are to be prefiled and served on or before September 28, 2011. (The testimony and exhibits must be post-marked on or before the indicated dates.) Rebuttal Testimony and Exhibits of Duke and/or Progress are to be prefiled and served on or before October 5, 2011. Surrebuttal Testimony and Exhibits of all other parties are to be prefiled and served on or before October 12, 2011. (Rebuttal and Surrebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on the indicated dates.) All Commission regulations and procedures will apply to these filings. Should the parties need a change in these prefiling dates, I move that we authorize them to work directly with the Commission Staff on this matter, and that we should give the Commission Staff our permission to modify these prefiling dates, if, in Staff's judgment, a change is appropriate and it will not interfere with the hearing dates as set above.

We look forward to receiving testimony regarding the merger at both the holding company and operating company levels, as well as with regard to the joint dispatch proposal.

PRESIDING: HowardSESSION: RegularTIME: 2:00 p.m.

MOTION YES NO OTHER

FLEMING

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HALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAMILTON	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(SEAL)



RECORDED BY: J. Schmieding